

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JOSEPH J. DICK, JR.,

Petitioner,

v.

Civil Action No. **3:10CV505**

KAREN D. BROWN,

Respondent.

MEMORANDUM OPINION

By Memorandum Order entered on October 31, 2016, the Court granted Petitioner relief on the claim of police misconduct discussed in the Limited Rule 5 Answer. The Court stated that that the writ of habeas corpus will issue unless the Commonwealth of Virginia commences the retrial of Petitioner within sixty (60) days of the date of entry thereof. At a hearing held on December 14, 2016, in the Circuit Court of the City of Norfolk ("Circuit Court"), at the request of the Commonwealth of Virginia, the Circuit Court entered an order of nolle prosequi with respect to Petitioner's indictments for First Degree Murder and Rape. (ECF No. 130-1.)

Thereafter, on December 20, 2016, Respondent moved to dismiss as moot and strike from the docket Petitioner's petition for a writ of habeas corpus. Respondent's Motion (ECF No. 130) will be GRANTED IN PART AND DENIED IN PART. The writ of habeas corpus WILL ISSUE and the action WILL BE CLOSED.

An appropriate Final Order shall accompany this Memorandum Opinion.

Date: 12/29/16
Richmond, Virginia

/s/
John A. Gibney, Jr.
United States District Judge